



PUBLIC NOTICE

Federal Communications Commission
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DA 04-2602
Released: August 20, 2004

DOMESTIC SECTION 214 APPLICATION FILED FOR TRANSFER OF CONTROL OF KILLDUFF, IOWA EXCHANGE FROM SEARSBORO TELEPHONE TO KILLDUFF TELEPHONE

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 04-315

Comments Due: September 3, 2004

Reply Comments Due: September 10, 2004

On July 30, 2004, Searsboro Telephone Company, Inc. ("Searsboro Telephone"), and Killduff Telephone Company ("Killduff Telephone") (collectively, the "Applicants"), filed an application pursuant to sections 63.03 and 63.04 of the Commission's rules¹ requesting approval, on an expedited basis, of the sale of Searsboro Telephone's Killduff, Iowa exchange to Killduff Telephone.² Only the assets in the Killduff exchange owned by Searsboro Telephone will be transferred to Killduff Telephone, and no corporate change of control will result from the proposed transaction.

Applicants assert that this transaction is entitled to presumptive streamlined treatment under section 63.03(b)(1)(iii) of the Commission's rules because it involves the transfer of the local exchange assets of an incumbent local exchange carrier ("LEC") by means other than an acquisition of corporate control.³

¹ 47 C.F.R. §§ 63.03, 63.04; *see* 47 U.S.C. § 214.

² Applicants are also filing an application for consent to transfer control of authorization for international and wireless services. Any action on this domestic 214 application is without prejudice to Commission action on other related pending applications.

³ *See* 47 C.F.R. § 63.03(b)(1)(iii).

Searsboro Telephone is an independent telephone company that currently provides local exchange telecommunications services in the Killduff and Searsboro exchanges, which are located in a rural, sparsely-populated section of south central Iowa, in counties separated by an adjacent service area. The Searsboro exchange serves approximately 210 access lines, and the Killduff exchange serves approximately 190 access lines. Searsboro Telephone's day-to-day operations are currently managed and operated by Sully Telephone Association ("Sully Telephone"), which provides local exchange service to the towns of Sully and Reasnor, Iowa, as well as the surrounding rural area, and currently manages the telephone operations in the Killduff exchange, subject to the oversight of Searsboro Telephone. Searsboro Telephone is owned by Don Long, a U.S. citizen.

Killduff Telephone is a newly-formed company that intends to operate as a provider of local exchange and exchange access telecommunications services in the State of Iowa, utilizing the facilities and equipment that are currently in place to serve the Killduff exchange. Once the transaction is complete, Killduff Telephone will provide local, intrastate, and interstate telecommunications services to the customers in the Killduff exchange. Killduff Telephone is owned by Karen Turner, a U.S. citizen.

In this proposed transaction, Searsboro Telephone has agreed to sell the assets of the Killduff, Iowa exchange to Killduff Telephone. This transaction will include all assets of the Killduff exchange except those specifically excluded by the agreement between the parties. Upon consummation, Killduff Telephone will become the incumbent LEC in the Killduff, Iowa exchange. Sully Telephone will continue to manage and oversee the telephone operations of the Killduff exchange after its transfer to Killduff Telephone. There will be no change in personnel, or in the telecommunications products offered to end users, or in the day-to-day operation of the Killduff exchange once the transfer is complete.

The Applicants state that they will offer substantially identical telecommunications services, at similar rates, to those currently available to Searsboro Telephone's customers in the Killduff exchange. Killduff Telephone, however, intends to implement upgrades and improvements to enhance service in the Killduff exchange. Searsboro Telephone intends to use the economic gains realized by the transaction to enhance services to its remaining customers. No subscribers will lose their access to local exchange service as a result of the transfer, and the transfer of the exchange from Searsboro Telephone to Killduff Telephone will be completely seamless to the subscribers in each exchange.

The Applicants assert that the proposed transfer of control is in the public interest because it will result in the efficient provision of high-quality telecommunications services to rural consumers, and it will result in direct benefits to customers in both the Killduff and Searsboro exchanges. Killduff Telephone states they intend to make several improvements to the facilities serving the Killduff exchange, including the replacement of switches that will result in the availability of enhanced features and improve the reliability of service in the Killduff exchange. Furthermore, Killduff Telephone states that they plan to build a fiber ring structure throughout the exchange, which will enhance the redundancy and reliability of the network, as well as extend high-speed digital transmission capabilities to areas not currently

served by fiber. Subscribers in the Searsboro exchange will also benefit from the proposed transaction, as Searsboro Telephone intends to use the economic gains from the sale of the Killduff exchange to make upgrades to its equipment. The planned upgrades will permit the company to offer additional and enhanced services in the Searsboro exchange. Applicants further state that the proposed transaction will increase the operating efficiency and effectiveness of telecommunications services in the Killduff and Searsboro exchanges because it will permit each of them to focus on serving a single telephone exchange, rather than spreading limited personnel and management resources over two rural exchanges.

GENERAL INFORMATION

The transfer of control identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Interested parties may file **comments on or before September 3, 2004** and **reply comments on or before September 10, 2004**.⁴ Unless otherwise notified by the Commission, Applicants are permitted to transfer assets on the 31st day after the date of this notice.⁵ Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send e-mail to ecfs@fcc.gov, and should include the following words in the subject line "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands

⁴ [See 47 C.F.R. § 63.03\(a\).](#)

⁵ [Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.](#)

or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

In addition, one copy of each pleading must be sent to each of the following:

The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW, Room CY-B402, Washington, DC 20554, www.bcpweb.com; phone: (202) 488-5300 fax: (202) 488-5563;

- (1) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C212, Washington, D.C. 20554; e-mail: tracey.wilson-parker@fcc.gov;
- (2) Alex Johns, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-A321, Washington, D.C. 20554; e-mail: alexis.johns@fcc.gov;
- (3) Julie Veach, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C124, Washington, D.C. 20554; e-mail: julie.veach@fcc.gov;
- (4) Susan O'Connell, Policy Division, International Bureau, 445 12th Street, S.W., Room 7-B544, Washington, D.C. 20554; email: susan.o'connell@fcc.gov; and
- (5) James Bird, Office of General Counsel, 445 12th Street, S.W., Room 8-C824, Washington, D.C. 20554; e-mail: james.bird@fcc.gov.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, telephone: (202) 488-5300, fax: (202) 488-5563, or via e-mail www.bcpweb.com.

For further information, please contact Tracey Wilson, at (202) 418-1394, or Alex Johns at (202) 418-1167.

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